

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

SAMMY D. PENDERGRASS,

*Plaintiff,*

v.

WARDEN BRUCE WESTBROOKS;  
OFFICER TIMOTHY MOONEYHAM;

*Defendants.*

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No. 1:12-cv-9  
Mattice/Lee

**MEMORANDUM**

The Court is in receipt of an unsigned *pro se* complaint, filed pursuant to 42 U.S.C. § 1983, by Sammy D. Pendergrass ("Plaintiff")(Court Doc. 2), and a motion to proceed *in forma pauperis* (Court Doc. 1). Because Plaintiff failed to sign his complaint and submit a Prisoner Account Statement Certificate and certified copy of his inmate trust account for the previous six-month period, the Court issued a deficiency order (Court Doc. 4). On January 11, 2012, the Court issued an order directing Plaintiff to file, within thirty (30) days from the date of the Order, a properly completed form § 1983 complaint and the necessary trust account documents (Court Doc. 4). Plaintiff was forewarned that failure to return the completed documents within the time required would result in the dismissal of his case for lack of prosecution.

Plaintiff has not responded to the Court's January 11, 2012, Order. Plaintiff's failure to timely respond to the Court's Order results in a finding by the Court that Plaintiff has failed to comply with its Order. Consequently, the Court will dismiss Plaintiff's complaint for noncompliance with its Order and failure to prosecute.

Rule 41(b) of the Federal Rules of Civil Procedure allows a court to dismiss an action *sua sponte* for failure to prosecute or for failure to comply with the federal rules or any court order. This authority is based on the Court's inherent authority to control its docket and prevent undue delays in the disposition of pending cases.

Therefore, this action will be **DISMISSED** for Plaintiff's failure to prosecute and to comply with the orders of this Court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991).

An appropriate Judgment will enter.

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE